Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4940 OF 2004

PETITIONERS

1. Hardayal Singh, son of Late Dhyansingh, aged about 72 years.
2. Sardar Harvinder Singh, Adult, son of Shri Hardayal Singh,.
3. Sardar Satpal Singh, Adult son of Shri Hardayal Singh.

All residents of Mahaveer Nagar, Gram Puraina, Tehsil & District Raipur (C.G.).

P.R. No. 4231/04 Presented by Shri B.P. Sharma dated 21.10.04

VS

RESPONDENTS

1. Sardar Balbir Singh Chadda, son of Shri Santosh Singh Chadda, aged about 42 years, resident of Shyam Nagar, Raipur.
2. Smt. Inderbeer Kaur, wife of Shri Harnamjeet Singh, resident of Near Preet Flour Mill, Shyam Nagar, Raipur.
3. Smt. Amritbeer Kaur, wife of Shri Gurucharan Singh, resident of 57/B, Nagar, Jail Road, New Delhi-18
4. Simrambeer Singh, son of Shri Balbeer Singh Chadda, a Minor through its legal guardian father Sardar Balbir Singh Chadda, son of Shri Santosh Singh Chadda, resident of Shyam Nagar, Raipur.
5. State of Chhattisgarh, through the Collector, Raipur (C.G.)

29.10.04

आयुक्त बिलासपुर संभाग बिलासपुर (छ.ग.) 24 29/10/04

(11)

WRIT PETITION UNDER ARTICLE 227 OF THE

CONSTITUTION OF INDIA.

(61)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... WP 4940/05 ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1.8.2005

Shri B.P. Sharma, counsel for the petitioners.

Shri Sumesh Bajaj, counsel for respondent No.1.

Shri Parag Kotecha, P.L. for respondent No.5.

Heard.

By the instant writ petition the petitioner has questioned the legality, propriety and correctness of order dated 16.10.2004 passed by learned 10th Additional District Judge, Raipur whereby learned Additional District Judge has rejected the application of the petitioner herein filed under Section 45 of the Evidence Act read with Section 151 of the Code of Civil Procedure for getting the document dated 5.3.1995 examined from the handwriting expert in order to ascertain whether it is a genuine or forged.

Brief facts leading to filing of this writ petition are that respondent Nos.1 to 4 filed a civil suit against the petitioners for specific performance of the contract entered between the petitioners and respondent No.1 to 4 with the averments that the petitioners herein entered into an agreement to sale in respect of the property mentioned in Paragraph-2 of the plaint and in token thereof executed a document on 31.3.1994 and got it attested by the Notary. The petitioners herein filed the written statement of the plaint, after that issues have been framed and the matter is fixed for evidence and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MP 4770/07 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

during that period, the above application was filed by the petitioners herein that the document dated 5.3.1995 be got examined from the handwriting expert.

Learned court below rejected the said application on the ground that document dated 5.3.1995 is not relevant in the case, for the reason that the suit has not been filed on the basis of document dated 5.3.1995. The above observation of the court below is correct because the suit of respondent Nos.1 to 4 is based on the documents dated 31.3.1994 & 28.8.1995, therefore, it is not necessary that the said document be got examined from the handwriting expert in order to ascertain that the respondents are in the habit of creating forged documents.

In view of the above, I do not find any illegality or irregularity in the order impugned and therefore, it is not a matter where the extraordinary jurisdiction under Article 227 of the Constitution of India should be exercised. As such, the petition of the petitioner is liable to be dismissed and it is, accordingly, dismissed at the admission stage itself.

Consequently, M.(W.)P. No.5201/04 & I.A. No.9811/02 also stand dismissed.

Sd/-
L.C.BHADOO
Judge

(पीछे देखिये)